

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (Currently amended) An isolated protoporphyrinogen oxidase from *Nicotiana tabacum* tolerant to photobleaching herbicide, comprising a polypeptide having the amino acid sequence represented by SEQ ID NO:2, ~~or a mutated peptide having deletion, addition, or substitution of one or more amino acids in the above amino acid sequence, wherein said mutated peptide (1) naturally occurs in *Nicotiana tabacum*, (2) has an enzyme activity equivalent to that of the polypeptide represented by SEQ ID NO:2 and (3) has tolerance to a photobleaching herbicide equivalent to that of the polypeptide represented by SEQ ID NO:2,~~

~~wherein said photobleaching herbicide is a pyrazole compound selected from the group consisting of ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methyl-1H-pyrazole-3-yl)-4-fluorophenoxyacetate, ethyl 2-[5-(4-chloro-5-difluoromethoxy-1-methyl-1H-pyrazole-3-yl)-2,4-dichlorophenylamino]propionate, 4-chloro-3-[4-chloro-2-fluoro-5-methoxyphenyl]-5-difluoromethoxy-1-methyl-1H-pyrazole, 4-chloro-3-[4-chloro-2-fluoro-5-(2-propynyl)oxyphenyl]-5-difluoromethoxy-1-methyl-1H-pyrazole, ethyl 2-[2-chloro-5-(4-chloro-5-difluoromethoxy-1-methyl-1H-pyrazole-3-yl)-4-fluorophenoxy]propionate, 1-methylethyl 5-[4-bromo-1-methyl-5-(trifluoromethyl)-1H-pyrazole-3-yl]-2-chloro-4-benzoate, and 4-chloro-3-(4-chloro-2-fluorophenyl)-5-difluoromethoxy-1-methyl-1H-pyrazole.~~

2.-7. (Canceled).

8. (Currently amended) The isolated protoporphyrinogen oxidase according to claim ~~12~~27, wherein the photobleaching herbicide is ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methyl-1H-pyrazole-3-yl)-4-fluorophenoxyacetate.

9-26. (Canceled).

27. (New) An isolated protoporphyrinogen oxidase from *Nicotiana tabacum* tolerant to photobleaching herbicide, comprising a polypeptide having the amino acid sequence represented by SEQ ID NO:2, wherein said photobleaching herbicide is a pyrazole compound selected from the group consisting of ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methyl-1H-pyrazole-3-yl)-4-fluorophenoxyacetate, ethyl 2-[5-(4-chloro-5-difluoromethoxy-1-methyl-1H-pyrazole-3-yl)-2,4-dichlorophenylamino]propionate, 4-chloro-3-[4-chloro-2-fluoro-5-methoxyphenyl]-5-difluoromethoxy-1-methyl-1H-pyrazole, 4-chloro-3-[4-chloro-2-fluoro-5-(2-propynyl)oxyphenyl]-5-difluoromethoxy-1-methyl-1H-pyrazole, ethyl 2-[2-chloro-5-(4-chloro-5-difluoromethoxy-1-methyl-1H-pyrazole-3-yl)-4-fluorophenoxy]propionate, 1-methylethyl 5-[4-bromo-1-methyl-5-(trifluoromethyl)-1H-pyrazole-3-yl]-2-chloro-4-benzoate, and 4-chloro-3-(4-chloro-2-fluorophenyl)-5-difluoromethoxy-1-methyl-1H-pyrazole.